

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2342

James Irvin,

Appellant,

v.

Dave Dormire; Charles Turner;
Bill Galloway,

Appellees.

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* Appeal from the United States
* District Court for the
* Western District of Missouri.
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* [UNPUBLISHED]
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Submitted: July 5, 2007
Filed: July 10, 2007

Before SMITH, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Missouri inmate James Irvin appeals the district court's¹ denial of his February 2006 Federal Rule of Civil Procedure 60(b) motion, in which he had asked the court to set aside its April 2005 dismissal of his civil rights action. We find no abuse of discretion in the denial of the motion. See Greyhound Lines, Inc. v. Wade, 485 F.3d 1032, 1036 (8th Cir. 2007) (standard of review); Hunter v. Underwood, 362 F.3d 468, 475 (8th Cir. 2004) (appeal from denial of Rule 60(b) motion does not raise

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

underlying judgment for consideration, and such motion cannot substitute for timely appeal from judgment). Accordingly, we affirm. See 8th Cir. R. 47B.
